

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRANDON EVERETTE GROVES, ) No. C 03-4316 MMC (PR)  
Petitioner, ) **ORDER DENYING REQUEST  
v. ) FOR A CERTIFICATE OF  
CHERYL PLILER, Warden, ) APPEALABILITY; GRANTING  
Respondent. ) EXTENSION OF TIME  
\_\_\_\_\_  
) (Docket No. 13)**

On September 23, 2003, petitioner Brandon Everette Groves, a California prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On September 7, 2006, judgment was entered against petitioner after the petition was denied on its merits. On October 24, 2006, petitioner filed a notice of appeal, which the Court construes as including a request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997). Petitioner has not shown “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 120 S.Ct. 1595, 1604 (2000). Accordingly, the request for a certificate of appealability is DENIED.<sup>1</sup>

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<sup>1</sup>Petitioner’s motion for an extension of time in which to file his notice of appeal and request for certificate of appealability is GRANTED.

1       The Clerk shall forward this order, along with the case file, to the United States Court  
2 of Appeals for the Ninth Circuit, from which petitioner also may seek a certificate of  
3 appealability. See Asrar, 116 F.3d at 1270.

4       Good cause appearing, the request for an extension of time in which to file a notice of  
5 appeal is GRANTED.

6       This order terminates Docket No. 13.

7       IT IS SO ORDERED.

8 DATED: October 31, 2006

  
9 MAXINE M. CHESNEY  
10 United States District Judge

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